

Anne Costin (SBN 260126)
COSTIN LAW INC.
101 Howard Street, Suite 310
San Francisco, CA 94105
Tel: (415) 977-0400
Fax: (415) 977-0405
Email: anne@costinlawfirm.com
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHARMAINE DE LOS REYES,

Plaintiff,

v.

RUCHMAN AND ASSOCIATES, INC.,

Defendant.

Case No. 3:14-cv-00534-WHO

**JOINT REQUEST AND ORDER TO
STAY CASE PENDING JOINDER OF
NECESSARY DEFENDANT**

Complaint Filed: February 4, 2014
Trial Date: Not scheduled

Plaintiff CHARMAINE DE LOS REYES and Defendant RUCHMAN AND ASSOCIATES, INC. hereby jointly seek an order from the Court issuing a stay of proceedings in the above captioned matter until such a time that joinder of a necessary defendant may occur. Plaintiff asserts, as set forth in more detail below, that the U. S. Drug Enforcement Administration (“DEA”) is a potential Defendant in this action and a necessary party to the suit, but that legal action may not be brought against the DEA in this forum until Plaintiff has completed the multi-step exhaustion process which is a prerequisite to filing such an action against a Federal Agency. Defendant does not oppose the joinder. As such, the Parties jointly request a stay be issued and that initial dates and deadlines previously set by this Court be vacated.

RECITALS/STIPULATION

1 This is a wrongful termination/disability discrimination employment case. Plaintiff De Los
2 Reyes worked at the U. S. Drug Enforcement Administration's ("DEA") San Francisco location as
3 an Accounting Clerk from 2008-2013. She was placed in this position and employed/paid by third
4 party contractor/private employer Ruchman and Associates, Inc. ("Ruchman").

5 In late April of 2013, Plaintiff commenced a leave of absence from work due to her alleged
6 disability (major depression). She provided Ruchman, who in turn provided to the DEA,
7 information regarding her requested leave. On June 3, 2013, and while Plaintiff was still absent
8 from work, her employment was terminated.

9 Plaintiff asserts that both Ruchman and the DEA were involved in the decision to terminate
10 her employment, and that this termination was in violation of California and Federal disability laws.

11 Defendant Ruchman denies that it violated any State or Federal law and asserts that it is not
12 liable in this action.

13 Plaintiff asserts that given this information and given the nature of her employment (hired
14 and paid by Ruchman, physically working at the DEA, and reporting to supervisors at both Ruchman
15 and the DEA) both entities were her "joint employers" and that both Ruchman and the DEA may be
16 liable for the wrongful termination/disability discrimination alleged in Plaintiff's complaint.

17 Defendant does not oppose the joinder of the DEA.

18 Plaintiff's counsel asserts that due to an impending statute of limitations deadline, Plaintiff
19 was forced to file the above captioned action solely against private employer Defendant Ruchman.

20 Plaintiff could not include the DEA as a named Defendant in this action, because she has not
21 yet completed the multi-step exhaustion process which is a prerequisite to filing such an action
22 against a Federal Agency (see <http://www.eeoc.gov/eeoc/publications/fedprocess.cfm>).

23 Plaintiff is currently in the process of proceeding through necessary pre-litigation procedures
24 against the DEA. Plaintiff's counsel requested a time estimate from the DEA regarding the length of
25 these pre-litigation procedures, but was informed that no time-frame for completion of the process
26
27

1 could be given. Plaintiff's counsel has and will continue to update Ruchman's counsel on the
2 progress of such proceedings.

3 Due the above, counsel for both Parties have concluded that a stay of this present action
4 would be appropriate until such a time when the DEA may be joined as a named Defendant to this
5 action.

6 The Parties request that the Court issue a stay of proceedings and that initial dates and
7 deadlines previously set by this Court be vacated.

8 DATED: March 12, 2014

COSTIN LAW INC.

9 By: _____//s//_____

10 ANNE COSTIN

11 Attorney for Plaintiff

12 DATED: March 12, 2014

**WILSON ELSEER MOSKOWITZ EDELMAN &
DICKER LLP**

13 By: _____//s//_____

14 LENORE KELLY


15 Attorney for Defendant

16
17 **ORDER**

18 Based on the above joint request and good cause appearing therefore, the Court ORDERS the
19 following: The Initial Case Management and ADR Deadlines previously set by this Court in its
20 Order of February 5, 2014 are hereby VACATED. The Parties are ordered to file a joint status
21 update on or before July 1, 2014, and every three months thereafter, with respect to the potential
22 joinder of the DEA as a Defendant and any other matters germane to this case. Plaintiff shall
23 promptly serve the DEA upon the exhaustion of the pre-litigation procedures mandated by the DEA
24 if plaintiff's claim has not been resolved.

25 **IT IS SO ORDERED.**

26 DATED: March 13, 2014

27 
28 William H. Orrick
United States District Judge